

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KAREEM MILLHOUSE,	:	Civil No. 1:18-CV-1529
	:	
Plaintiff,	:	
	:	
v.	:	(Judge Kane)
	:	
ROWAN RAJJOB,	:	(Magistrate Judge Carlson)
	:	
Defendant.	:	

MEMORANDUM AND ORDER

The background of this order is as follows:

The plaintiff, a state prisoner who is proceeding *pro se*, commenced this action by filing a civil complaint in this court. (Doc. 1.) On January 4, 2019, Millhouse was granted leave to file an amended complaint. (Docs. 41 and 42.) At the time that Millhouse received leave to file an amended complaint, the plaintiff had several motions for stay or extension of time pending relating to the original complaint. (Docs. 38 and 40.) We believe that the filing of the amended complaint also resolves these other pending motions since, as a matter of law, an amended complaint takes the place of the original complaint, effectively invalidating the original complaint. Crysen/Montenay Energy Co. v. Shell Oil Co. (In re Crysen/Montenay Energy Co.), 226 F.3d 160, 162 (2d Cir. 2000) ("[A]n amended pleading ordinarily supersedes the original and renders it of no legal effect"); see 6

Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, Federal Practice & Procedure § 1476 (2d ed. 1990) ("A pleading that has been amended ... supersedes the pleading it modifies.... Once an amended pleading is interposed, the original pleading no longer performs any function in the case...."). Since the complaint in this case is amended, the original complaint is now a nullity, and any motions relating to that original complaint are moot. Therefore, we will DISMISS the pending motions to stay or for extension of time, (Docs. 38 and 40), as moot without prejudice to renewal of these requests at a later date.

SO ORDERED, this 28th day of January 2019.

/s/ Martin C. Carlson

Martin C. Carlson

United States Magistrate Judge